

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code chapter 17A and section 421.17, the Department of Revenue hereby adopts amendments to Chapter 71, "Assessment Practices and Equalization," Iowa Administrative Code.

Notice of Intended Action was published in IAB Volume XXXII, Number 12, pages 1457-1458, on December 2, 2009, as **ARC 8352B**.

Subrule 71.1(1) is amended to remove any reference regarding the valuation of real estate from the subrule, which is intended to govern the classification of real estate.

Item 2 published under Notice, an amendment to subrule 71.1(2), was not adopted.

This amendment will become effective April 14, 2010, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

This amendment is intended to implement Iowa Code section 441.21.

The following amendment is adopted.

Amend subrule 71.1(1) as follows:

71.1(1) *Responsibility of assessors.* All real estate subject to assessment by city and county assessors shall be classified as provided in this rule. It shall be the responsibility of city and county assessors to determine the proper classification of real estate. There can be only one classification per property. An assessor shall not assign one classification to the land and a different classification to the building or separate classifications to the land or separate classifications to the building (dual classification). A building or structure on leased land is considered a separate property and may be classified differently than the land upon which it is located. The determination shall be based upon the best judgment of the assessor following the guidelines set forth in this rule and the status of the real estate as of January 1 of the year in which the assessment is made. The assessor shall classify ~~and value~~ property according to its present use and not according to its highest and best use. ~~For example, property currently used as a golf course shall be assessed and valued by the assessor as a golf course even though its highest and best potential use may be an industrial park or commercial development.~~ See subrule 71.1(8) for an exception to the general rule that property is to be classified according to its use. The classification shall be utilized on the abstract of assessment submitted to the department of revenue pursuant to Iowa Code section 441.45. See rule ~~701—~~71.8(428,441).

[Filed 2/11/10, effective 4/14/10]

[Published 3/10/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/10/10.